

1:23-mj-02156-MJM

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, DENNIS P. MCGRAIL, JR., being duly sworn, do hereby depose and state:

Introduction/Affiant Background

I make this affidavit in support of complaint charging BRIAN FRANCIS with violating Title 18 United States Code Section 1073, Interstate Flight to Avoid Prosecution.

I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2021. I am currently assigned to the Baltimore Field Office's Violent Crime and Gang Squad in the Rockville-Frederick area of responsibility). As such, I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41.

Prior to becoming an FBI Agent, I was a sworn, certified law enforcement officer for approximately 14 years in the State of New Jersey.

As a law enforcement officer, I have been responsible for the investigation of motor vehicle accidents, reports of suspicious persons and vehicles, domestic violence incidents, aggravated assaults, violent crimes, and tasked with proactive enforcement of state and federal criminal laws. Additionally, I have written and executed search warrants for numerous violations of state and federal laws. During my approximately 14 years as a law enforcement officer, I have been tasked to locate, apprehend, and arrest wanted fugitives for crimes including Murder, Attempt Murder, Rape, Robbery, and Assault.

The statements in this affidavit come from my training, experience, and familiarity with this investigation. They are based on my own personal knowledge of events as well as information I have learned from other law enforcement agents. Because this affidavit merely seeks to establish probable cause for a criminal complaint and arrest warrant, I have not included

every fact I know about this investigation. However, I have not left out any fact that I believe would defeat a probable cause finding.

Probable Cause

Charges

On August 2, 2023, the District Court for Washington County, Maryland charged BRIAN FRANCIS (DOB May 28, 1985) in Case No. D-112-CR-23-003737 with thirteen counts, including Murder – First Degree in violation of MD Cr. Code 2-201, Murder - Second Degree in violation of MD Cr. Code 2-204, Att. First Degree Murder in violation of MD Cr. 2-205, Att. Second Degree Murder in violation of MD Cr. 2-206, Firearm Use/Felonious Violent Crime in violation of MD Cr. 4-204(b), Handgun on Person in violation of MD Cr. 4-203, and Loaded Handgun on Person in violation of MD Cr. 4-203((a)(1)(v)).

These charges all stemmed from FRANCIS fatally shooting one person and non-fatally shooting another on July 30, 2023 at approximately 3:08 P.M. in Hagerstown, Maryland. The shooting was captured on video cameras inside the apartment where FRANCIS committed the crimes, and he is clearly visible in those recordings.

The charges are currently pending in the District Court of Washington County and the same court issues an arrest warrant for Mr. Francis' arrest.

Flight

During the course of this fugitive investigation, I learned FRANCIS fled the scene of the above-mentioned homicide in a 2015 Honda Accord bearing West Virginia license plate DRA 851. I understand that FRANCIS paid the car's registered owner on July 24, 2023, to borrow the car so that FRANCIS could visit his children in Pennsylvania. FRANCIS failed to return the car, and it is now listed as stolen in NCIC.

On the ground outside the apartment where FRANCIS left one dead and one wounded victim behind, law enforcement discovered a cellphone belonging to FRANCIS that he had dropped. Based on my training and experience, I know that fugitives often discard cellular phones to thwart law enforcement detection.

FRANCIS has a Maryland address of 17944 Garden Lane, Apartment 31 in Hagerstown, Maryland. After FRANCIS committed the shootings, law enforcement executed a search warrant at that location, but FRANCIS was not there.

Through analysis of license plate readers, law enforcement agents have learned that the Honda, which they believe FRANCIS was driving, traveled in and around the New York City area between July 27 and July 29, one-day before FRANCIS committed his crimes in Maryland.

The travel to New York City is consistent with Mr. Francis' known ties and connections to New York City specifically, the Brooklyn Borough. Through open-source research, law enforcement learned that FRANCIS has lived at 276 East 95th Street 1R, Brooklyn, New York. Also, FRANCIS listed that Brooklyn address as his home address on his passport application. FRANCIS also listed his brother, ERIC Francis, as his emergency contact, at the same Brooklyn address.

The United States Marshals Service (USMS) identified two Instagram accounts (IG: *justdoit_uno* and IG: *silknotcotton*) they believe to belong to Mr. Francis based on photos posted to other accounts bearing hashtags law enforcement believe are related to FRANCIS.

Maryland state law enforcement obtained authorization for Pen Register/ Trap and Trace devices for the account *silknotcotton* and learned that the account *silknotcotton* was accessed on July 31, 2023, from an IP address geo-coded to Tampa Bay, Florida. The phone logging in to the account is registered to ERIC Francis. Through law enforcement database research, I learned

ERIC Francis has a valid Florida driver's license that indicates he lives at 9639 Norchester Circle, Tampa, Florida.

Based on my training and experience and knowledge of this investigation, I believe that FRANCIS has fled Maryland to avoid prosecution from the pending state murder charges.

Conclusion

I request that the Court issue a Complaint and Arrest Warrant for Brian Francis.

Affiant: 

Dennis P. McGrail, Jr.

Special Agent

Federal Bureau of Investigation

Sworn to me via telephone this 11th day of August 2023.



Matthew J. Maddox

United States Magistrate Judge